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PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(healre01.012)

Applicant: Falchuk, et al.

Paper No.:

Application No: 09/730,299

Group Art Unit: 3626

Filed: 12/05/2000

Examiner: Pass, Natalie

Title: *A medical consultation management system*

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Commissioner for Patents
Alexandria, VA 22313-1450

Response to a non-final Office action under 37 C.F.R. 1.111

Summary of the prosecution

This application is a divisional of U.S. patent 6,256,613, issued 3/7/2001 and having the same title, inventors, and assignee as the present patent application. Examiner mailed a first Office action in the above application on 7/12/04. In his Office action, Examiner rejected pending claims 1-4 under 35 U.S.C. 103(a) as obvious over the combination of U.S. patent 5,517,405, McAndrew, et al., *Expert system for providing interactive assistance in solving problems such as health care management*, issued May 14, 1996 (henceforth "McAndrew") and U.S. patent 5,002,491, Abrahamson, et al., *Electronic classroom system enabling interactive self-paced learning*, issued Mar. 26, 1991 (henceforth "Abrahamson"). Applicants traversed the rejections.

Applicants thereupon received a second non-final Office action mailed 1/10/2005 in which Examiner rejected the claims as addressed to unpatentable subject matter under 35 U.S.C. 101, rejected claims 1 and 2 under 35 U.S.C. 102(e) as anticipated by the *Minnesota Medical Association Report on Telemedicine* article (henceforth "Telemedicine"), and rejected claims 3 and 4 under 35 U.S.C. 103 as obvious over the combination of Telemedicine and Abrahamson. Applicants filed a response on April 6, 2005 in which Applicants amended claim 2 to deal with some problems concerning antecedents noted by Applicants and

traversed the rejections under 35 U.S.C. 101, 102, and 103. The response was mailed April 6, 2005 using the Certificate of Mailing procedure. A self-addressed itemized postcard was included with the response and was received by Applicants with an OIPE stamp indicating that the response had been received in the USPTO on April 8, 2005.

At the end of July, 2005, Applicants' attorney received a telephone call from Examiner Pass indicating that the above application had gone abandoned for lack of a timely response to the Office action of 1/10/05. Applicants' attorney examined his file and indicated to Examiner Pass that a response had been timely filed and received in the USPTO. Examiner Pass then rechecked the relevant USPTO databases and indicated that there was no record in the databases of the response. After some conversation, Applicants' attorney and Examiner Pass decided that she would issue the Notice of Abandonment and that Applicants' attorney would respond with a Request to Withdraw a Holding Of Abandonment. The Notice of Abandonment was mailed 7/29/05.

Applicants filed their Request on 8/3/05 and a notice that their Petition to Withdraw a Holding of Abandonment had been granted was mailed on 9/18/05; a non-final Office action followed on 10/18/05. In that Office action, Examiner objected to the disclosure as being longer than 150 words, rejected claims 1-4 under 35 U.S.C. 112, par. 2 as being incomplete, and again rejected claims 1-4 under 35 U.S.C. 101 as being addressed to unpatentable subject matter, but used new arguments. Examiner further again rejected claims 1 and 2 under 35 U.S.C. 102 as anticipated by the Telemedicine reference and again rejected claims 3 and 4 as obvious over the combination of Telemedicine and Abrahamson. Applicants are amending their Abstract to overcome the objection thereto, are amending claim 1 to overcome the rejections under 35 U.S.C. 112 and 35 U.S.C. 101, and are otherwise traversing the rejections.

Please replace the present Abstract with the following: